



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,380	12/12/2003	Koki Okamura	FJ-2003-046-US	8530
<div>21254      7590      04/16/2008</div> <div>MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC</div> <div>8321 OLD COURTHOUSE ROAD</div> <div>SUITE 200</div> <div>VIENNA, VA 22182-3817</div>				
			<div>EXAMINER</div> <div>PANNALA, SATHYANARAYA R</div>	
			<div>ART UNIT</div> <div>2164</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>04/16/2008</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



Scott M. Tulino, Esq.  
McGinn Intellectual Property Law Group, PLLC  
8321 Old courthouse Road  
Suite 200  
Vienna, VA 22182-3817

In re Application of:  
KoKi OKAMURA  
Application No. 10/733,380  
Filed: December 12, 2003  
For: FILE TRANSFER PROGRAM

**DECISION ON PETITION  
UNDER 37 C.F.R. § 1.181**

This is a decision on the petitions, filed on 15 March 2007, under 37 CFR § 1.181 to invoke Supervisory Authority of the Director and to request the Director to order the Examiner to consider the Affidavits filed on 05 September 2006, 14 November 2006 and 26 January 2007.

The petition is **DISMISSED AS MOOT**.

A review of the application file history, it revolves that (1) the Affidavit filed on 14 November 2006 was not available for the examiner to consider at the time the Final Office Action of 27 November 2006 was prepared; (2) the Affidavit filed on 26 January 2007 was not entered and considered for the reasons as stated in the Advisory Action mailed 08 February 2007; (3) a Request for Continued Examination was filed on 27 February 2007 and specifically requested that the previously submitted response and the Affidavit of 26 January 2007 be considered as a submission; and (4) the instant petition was filed.

37 C.F.R. § 1.114(d) states, in part:

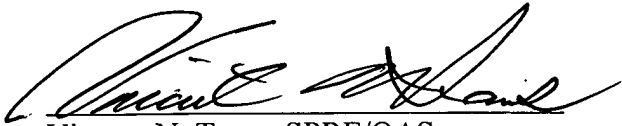
If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination ...

In view of 37 C.F.R. § 1.114(d) and the timely filing an RCE with the fee set forth in 37 CFR § 1.17(e) and an amendment that meets the reply requirements of 37 CFR § 1.111, the Office is hereby withdrawn the finality of any Office action to which a reply is outstanding and both the response and the affidavit of 26 January 2006 will be entered and considered.

Accordingly, the petition is **DISMISSED AS MOOT**; the examiner is required to fully consider the Affidavits filed on 05 September 2006, 14 November 2006 and 26 January 2007. A delay to render a decision on the petition filed 15 March 2007 is hereby regretted.

The application is being forwarded to the Technology Center support staff for processing and entering the response filed on 15 March 2007. From there, the application will be forwarded to the examiner of record to prepare an appropriate Office communication.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

A handwritten signature in black ink, appearing to read "Vincent N. Trans", written over a horizontal line.

Vincent N. Trans, SPRE/QAS  
Technology Center 2100  
Computer Architecture, Software, and  
Information Security